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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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Report of the Secretary-General

Addendum

I. Introduction

The present addendum contains information from two additional replies to the request contained in paragraph 14 of General Assembly resolution 69/120, received subsequent to the submission of the main report, from Belgium and Sweden.[1]

II. Information received from Member States

Belgium

[Original: French]
[29 July 2016]

The most significant legislative developments since 2014 are as follows:

(a) On 12 May 2015, Belgium ratified the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional distinctive emblem (Protocol III), adopted on 8 December 2005;

(b) On 22 June 2016, a royal decree amending the royal decree of 6 December 2000 on the reorganization of the Interministerial Commission on

* A/71/50.

[1] The full texts of the replies are available for review on the website of the Sixth Committee of the General Assembly (www.un.org/ga/sixth).

Humanitarian Law was adopted in order to specify the composition of the Commission, enhance its functioning and publicize its work with a view to increasing its effectiveness and visibility. Among other amendments, the royal decree specifies that the Interministerial Commission shall function as the national advisory committee for the protection of cultural property, within the meaning of resolution II adopted at the Intergovernmental Conference on the Protection of Cultural Property in the Event of Armed Conflict, held in The Hague (Netherlands) in 1954.

With regard to its cooperation with international criminal courts, on 10 April 2014, Belgium concluded a new bilateral cooperation agreement with the International Criminal Court on the provisional release of detainees.

Belgium has also organized several national and international events on subjects relating to international humanitarian law, including:

(a) The International Conference on Genocide Prevention, held in Brussels on 31 March and 1 April 2014;

(b) An expert workshop held from 29 to 31 January 2014, in partnership with the International Committee of the Red Cross and the Belgian Red Cross, on health care in danger, at which participants discussed the national legislative framework for the protection of health-care providers in situations of armed conflict and other emergency situations;

(c) A seminar on fact-finding mechanisms and humanitarian law, held on 2 June 2015.

In December 2015, Belgium was also re-elected, for a four-year term, to the Committee for the Protection of Cultural Property in the Event of Armed Conflict of the United Nations Educational, Scientific and Cultural Organization, which was established by the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict.

The Belgian authorities have continued to work with the Belgian Red Cross, their partner in the humanitarian field, to enhance the dissemination and implementation of international humanitarian law. Thus, in addition to the dissemination activities that the Belgian Red Cross has carried out individually among both specialized audiences and the general public, it collaborated with the authorities on the following initiatives during the reporting period:

(a) Participation in field exercises organized by the Belgian military on 1 April 2015, 10 September 2015 and 26 February 2016, which were designed to raise awareness among the Belgian military of the mandate and operational approach of the International Red Cross and Red Crescent Movement, the proper use of protective emblems and the protection of specific categories of civilians in the event of armed conflict, such as humanitarian actors, health workers, refugees and displaced persons;

(b) Organization with the Belgian military of an awareness-raising event on international humanitarian law at the École Royale Militaire [Royal Military College] for law students from Belgian universities and from the École Royale Militaire, held on 13 November 2015;

(c) Organization with the Belgian military and the Association of Professional Journalists of a training course for professional journalists on

international humanitarian law and the security procedures to be followed when accompanying soldiers on a mission, held from 9 to 11 June 2015;

(d) Organization with the Federal Public Service for Foreign Affairs of a training course on international humanitarian law for trainee diplomats, held on 15 March 2016.

In general, since October 2015, the Belgian authorities and the Belgian Red Cross have been conducting a review within the Interministerial Commission on Humanitarian Law of the activities carried out to disseminate international humanitarian law in Belgium, and have been considering which potential audiences could benefit from greater dissemination efforts.

Furthermore, the Belgian authorities worked closely with the Belgian Red Cross to prepare the thirty-second International Conference of the Red Cross and Red Crescent, held in Geneva from 8 to 10 December 2015, including:

(a) Preparing resolutions, including those on international humanitarian law: resolution I on strengthening international humanitarian law protecting persons deprived of their liberty; resolution 2 on strengthening compliance with international humanitarian law; resolution 3 on sexual and gender-based violence: joint action on prevention and response; and resolution 4 on health care in danger: continuing to protect the delivery of health care together. Belgium also participated actively in the discussions of the drafting committee on these resolutions;

(b) Developing commitments that have been adopted by Belgium individually and jointly with its National Society for the next four years. These commitments relate to various aspects of international humanitarian law: the fight against sexual and gender-based violence; support for the International Humanitarian Fact-Finding Commission; support for the International Criminal Court; the promotion, dissemination and implementation of international humanitarian law; the protection of health care; strengthening compliance with international humanitarian law; strengthening international humanitarian law protecting persons deprived of their liberty; the protection of cultural property; humanitarian access; and the humanitarian consequences of nuclear weapons.

Sweden

[Original: English]
[27 July 2016]

Sweden has been a party to the first and second Protocol Additional to the Geneva Conventions since 1979 and has reported continuously on the implementation and development of international humanitarian law to the Secretary-General in accordance with previous resolutions on this topic since 1994. This includes information in the most recent report of the Secretary-General of 2014. The following information supplements previous reports.

On 21 August 2014, the Government of Sweden ratified the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional distinctive emblem (Protocol III). In the same year, the Swedish parliament passed a law on the protection of emblems in international humanitarian law.

16-13551

Sweden ratified the Arms Trade Treaty on 16 June 2014 and is playing an active role in supporting its effective implementation and universalization. The Treaty has the potential to enhance the international community's ability to deal with the illegal and irresponsible arms flows that often exacerbate the humanitarian consequences of armed conflict. Accordingly, it addresses the plight of victims of armed conflict in a proactive manner.

Sweden has initiated its internal procedures for the ratification of the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict. A government bill with the legal amendments necessary for ratification has been presented and is currently under preview by the council of legislation (Lagrådet). It is expected to be reviewed by the Swedish parliament before the end of 2016.

Sweden participated actively in the thirty-second International Conference of the Red Cross and Red Crescent in 2015 and welcomed the four resolutions on international humanitarian law that were adopted at the Conference. Sweden is engaged in the continuation of a State-driven intergovernmental process to reach agreement on the features and functions of a potential forum of States and to find ways to enhance the implementation of international humanitarian law using the potential of the Conference and other international forums. Strengthening compliance with international humanitarian law is a priority for Sweden.

The Ministry of Foreign Affairs has participated in a number of productive round-table discussions and seminars organized by the Swedish Red Cross with the aim of promoting the theme of "Health care in danger" and disseminating the tools developed through the project, as well as promoting engagement among the communities concerned.

Representatives of the Ministry of Foreign Affairs have participated in several seminars and workshops on international humanitarian law, such as a conference regarding the 150th anniversary of the Convention for the Amelioration of the Condition of the Wounded in Armies in the Field and future challenges for international humanitarian law, held in Stockholm in December 2014 and organized by the Ministry, and a seminar on the topic of air strikes on hospitals and other current challenges facing international humanitarian law, held in Stockholm in June 2016 and organized by the International Committee of the Red Cross (ICRC), the Swedish Red Cross and the International Law Association.

In the context of "Health care in danger", Sweden strongly supported Security Council resolution 2286 (2016), in which the Council condemned acts of violence, attacks and threats against the wounded and sick, medical personnel and humanitarian personnel and hospitals and other medical facilities.

All four resolutions mentioned above provide a basis for strengthening international humanitarian law, and Sweden will continue to be actively involved in the processes to follow up on these resolutions in order to improve global implementation and compliance with international humanitarian law.

During the thirty-first International Conference of the Red Cross and Red Crescent in 2011, the Swedish Red Cross and the Government of Sweden made a joint pledge on gender and international humanitarian law. The goal was to have a gender perspective applied to international humanitarian law so that the situation for both women and men in relation to the rules of international humanitarian law

should be addressed. That effort resulted in the book *IHL and Gender: Swedish Experiences*, which consists of a number of contributions and experiences from a wide range of experts relating to armed conflict, military operations and gender and humanitarian assistance. The book also presents findings from field studies in Colombia, Lebanon and Uganda and introduces checklists on how to operationalize a gender perspective on international humanitarian law, answering the question of what such a perspective may mean, both in a theoretical and practical manner. During the thirty-second International Conference of the Red Cross and Red Crescent, the Government, together with the Swedish Red Cross, made a joint pledge to follow up and continue the work on international humanitarian law and gender. Representatives of both the Government and the Ministry of Foreign Affairs have, on various occasions, presented these plans to a wider audience. For example, the Swedish Minister for Foreign Affairs introduced the project at a seminar on the topic of making international humanitarian law work for women and girls, a side event to the World Humanitarian Summit, held in Istanbul, Turkey, in May 2016. In this context, the Government commends the contribution made by the Swedish Red Cross to the revised commentary to the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, adding in a gender perspective, for example in articles 3 and 12.

Within the framework of civil-military relations, the Folke Bernadotte Academy has participated in a number of exercises and trainings with partners, such as VIKING 14 and the combined joint staff exercise. In 2016, the Academy, the Swedish Armed Forces and the Swedish Police conducted a joint integrated course on the protection of civilians.

In November 2013, the Government of Sweden assigned the Swedish Armed Forces the task of developing a manual on international humanitarian law. The manual should be modelled after the draft manual on international humanitarian law produced as an annex to the report entitled "International law in armed conflict: Swedish interpretation and practice" (Government of Sweden official reports SOU 2010:72). The manual has been developed and put into use by the Swedish Armed Forces.

The Swedish International Development Cooperation Agency is a strong proponent of the respect for protection of international humanitarian law through targeted support to key partners, such as ICRC, which has a specific mandate in relation to conflicts on the basis of the Geneva Conventions of 1949 and their Additional Protocols, and the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund with their specific mandates.

In addition, the Swedish International Development Cooperation Agency has, for example in Palestine, advocated strongly for humanitarian actors to focus more on the protection and implementation of international humanitarian law. It is exploring ways in which this work can be replicated in other places, such as Pakistan. The Agency is also funding a partner to work at the regional level to foster advanced professional exchanges on key challenges and approaches to frontline humanitarian negotiation on the basis of humanitarian principles and international humanitarian law. Negotiations convene senior-level practitioners across agencies and contexts, providing tools and frameworks for participants to enhance their own negotiation capacity and to discover new methods of operating in complex environments.

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Humanitarian access and the need to respect and uphold humanitarian principles have been repeatedly and strongly advocated by the Government in different forums and in diplomatic relations. To uphold and safeguard these norms, Sweden made the following commitments at the World Humanitarian Summit:

(a) Promoting and enhancing respect for international humanitarian law, international human rights law and refugee law, where applicable;

(b) Promoting and enhancing the protection of civilians and civilian objects, especially in the conduct of hostilities, for example by working to prevent civilian harm resulting from the use of wide-area explosive weapons in populated areas and by sparing civilian infrastructure from military use in the conduct of military operations;

(c) Ensuring that all populations in need receive rapid and unimpeded humanitarian assistance;

(d) Promoting and enhancing efforts to respect and protect medical personnel, transports and facilities, as well as humanitarian relief personnel and assets against attacks, threats or other violent acts;

(e) Speaking out and systematically condemning serious violations of international humanitarian law and serious violations and abuses of international human rights law and taking concrete steps to ensure the accountability of perpetrators when such acts amount to crimes under international law;

(f) Promoting improved compliance with international humanitarian law in all contexts through support for organizations and professionals in the field working to strengthen the respect for international humanitarian law and humanitarian principles and an increased focus on developing technical capacity, methods, practical tools and training for local use;

(g) Placing protection at the centre of humanitarian action and providing protection for all according to need and without discrimination;

(h) Supporting international efforts aimed at tracking and collecting data and reporting violations of international humanitarian law;

(i) Actively promoting compliance with international humanitarian law through dialogue with States parties and experts and supporting the intergovernmental process, as set out in Resolution 2 of the thirty-second International Conference of the Red Cross and Red Crescent in 2015;

(j) Continuing to support joint efforts with international and national actors to strengthen responses at the national level to investigate and prosecute sexual and gender-based crimes and to enhance access to justice for victims;

(k) Continuing cooperation with the International Criminal Court, including through financial support for the Trust Fund for Victims;

(l) Continuing to raise awareness of international humanitarian law and gender in order to improve the dissemination and implementation of international humanitarian law and international human rights law. Supporting impartial humanitarian actors' efforts to engage in dialogue with non-State armed groups and operate according to the humanitarian principles in areas controlled by them.